

**PROPOSED PRETRIAL ORDER  
STATEMENT OF STIPULATED FACTS**

1. Plaintiff was arrested by officers of the Southampton Town Police Department on April 21, 2010.

**PLAINTIFF'S PROPOSED WITNESS LIST**

1. Mohammed Proctor  
c/o Stephen R. Krawitz, LLC  
271 Madison Avenue  
New York, NY 10016

Mohammed Proctor will testify concerning the events on April 21, 2010, his search, his arrest, his incarceration and the dismissal of the charges against him.

2. Karen Fields-Mental Health care provider  
212 West Main Street  
Riverhead, NY 11901

Karen Fields will testify regarding the psychological effects being incarcerated for an extended period of time; adjustment after incarceration; feelings of anxiety and depression involving his incarceration and the sequelae.

**DEFENDANTS' PROPOSED  
WITNESS LIST**

1. Police Officer John Berini  
c/o Devitt Spellman Barrett, LLP  
50 Route 111  
Smithtown, New York 11787  
(631)724-8833

Officer Berini will testify to his actions and observations during the execution of the search warrant and arrest of the plaintiff on April 21, 2010.

2. Lieutenant James Kiernan  
c/o Devitt Spellman Barrett, LLP  
50 Route 111  
Smithtown, New York 11787  
(631)724-8833

Lieutenant Kiernan will testify to his actions and observations during the execution of the search warrant and arrest of the plaintiff on April 21, 2010. He will also testify with regard to any relevant police policy and procedures.

3. Sgt. Walter Britton  
c/o Devitt Spellman Barrett, LLP  
50 Route 111  
Smithtown, New York 11787  
(631)724-8833

Sergeant Britton will testify to his actions and observations during the execution of the search warrant and arrest of the plaintiff on April 21, 2010.

4. Officer Eric Sickles  
c/o Devitt Spellman Barrett, LLP  
50 Route 111  
Smithtown, New York 11787  
(631)724-8833

Officer Sickles will testify to his actions and observations during the execution of the search warrant and arrest of the plaintiff on April 21, 2010.

5. Officer Vincent Cagno  
c/o Devitt Spellman Barrett, LLP  
50 Route 111  
Smithtown, New York 11787  
(631)724-8833

Officer Cagno will testify to his actions and observations during the execution of the search warrant and arrest of the plaintiff on April 21, 2010.

6. Officer Craig Slovensky  
c/o Devitt Spellman Barrett, LLP  
50 Route 111  
Smithtown, New York 11787  
(631)724-8833

Officer Slovensky will testify to his actions and observations during the execution of the search warrant and arrest of the plaintiff on April 21, 2010.

7. Detective Robert Stabile  
c/o Devitt Spellman Barrett, LLP  
50 Route 111  
Smithtown, New York 11787  
(631)724-8833

Detective Stabile will testify to his actions and observations during the execution of the search warrant and arrest of the plaintiff on April 21, 2010.

8. Officer Susan Ralph  
c/o Devitt Spellman Barrett, LLP  
50 Route 111  
Smithtown, New York 11787  
(631)724-8833

Officer Ralph will testify with regard to her observations of the plaintiff while he was lodged in a cell at the police department.

9. Regina S. Dizinno  
c/o Devitt Spellman Barrett, LLP  
50 Route 111  
Smithtown, New York 11787  
(631)724-8833

Ms. Dizinno will testify with regard to her observations of the plaintiff while he was lodged in a cell at the police department.

10. Susanne Parkin  
c/o Devitt Spellman Barrett, LLP  
50 Route 111  
Smithtown, New York 11787  
(631)724-8833

Ms. Parkin will testify with regard to her observations of the plaintiff while he was lodged in a cell at the police department.

11. James Calkins  
Forensic Scientist

Suffolk County Crime Lab

Mr. Calkins will testify about the analysis of the cocaine and marijuana retrieved from the plaintiff.

12. Officer Tedesco  
c/o Devitt Spellman Barrett, LLP  
50 Route 111  
Smithtown, New York 11787

Officer Tedesco will testify about the custody of the crack cocaine, marijuana and pills found on April 21, 2010 and the chain of evidence.

13. Chief Robert Pearce  
c/o Devitt Spellman Barrett, LLP  
50 Route 111  
Smithtown, New York 11787

Chief Pearce will testify regarding his knowledge of the event that occurred and his investigation of plaintiff's complaint, policy and practice of the Southampton Town Police Department.

**PLAINTIFF'S EXHIBIT SCHEDULE**

1. Search warrant application by P.O. Sickles
- \*2. Certificate of Dismissal by J. Doyle
- \*3. District Attorney's file
- \*4. Report issued to Town of Southampton re dismissal of various cases

\* Indicates objection to introduction of documents.

## **DEFENDANTS' EXHIBIT SCHEDULE**

- A. Pre Warrant Execution Data Entry Form;
- B. Application and Affidavit for Search Warrant;
- C. Search Warrant;
- D. Search Warrant Inventory Receipt;
- E. Post Warrant Execution Data Form
- F. Advise of Constitutional Rights, Waiver of Rights, Supporting Deposition
- G. Statement by Mohammed Proctor dated 4.21.2010 (2 pages);
- H. Arrest Report by Eric Sickles;
- I. Arrest Report – Medical form;
- J. Prisoner Transaction Report;
- K. Currency Sheet dated 4/21/10;
- L. Supplementary Report dated 4/21/10 by Vincent Cagno;
- M. Suicide Prevention Screening Guidelines dated 4/21/10 by Vincent Cagno;
- N. Report of Suspected Child Abuse, 4/21/2010 by Officer Berini,
- O. Evidence Analysis Request Form, 4/22/2010, by Officer Cagno;
- P. Evidence Submission Reports, dated 4/23/2010 by Vincent Cagno with copies of photographs of bagged evidence;
- Q. Crime Lab Results regarding contents of baggie dated 4/23/10 by Matthew Dinizio;
- R. Supplementary Report dated 4/26/10 by Vincent Cagno;
- S. Felony Complaint, Criminal Possession of a Controlled Substance in the Fourth Degree;
- T. Felony Complaint, Criminal Possession of a Controlled Substance n the Third Degree;
- U. Misdemeanor Information, Endangering the Welfare of a Child;
- V. Violation Information, Unlawful Possession of Marijuana;
- W. Misdemeanor Information, Criminal Possession of a Controlled Substance in the Seventh Degree;
- X. Misdemeanor Information, Criminal Possession of a Weapon in the Third Degree;
- Y. Misdemeanor Information; Criminally Using Drug Paraphernalia in the Second Degree;
- Z. Misdemeanor Information, Criminally Using Drug Paraphernalia in the Second Degree;
- AA. Property tracking documents;
- BB. Crack cocaine found in the plaintiff's pant leg;
- CC. Marijuana found in plaintiff's pocket;
- DD. Pills found in the plaintiff's residence;

- EE. September 10, 2010 Complaint by Mohammed Proctor;
- FF. Supplementary Report by Lt. Robert Pearce dated 9/17/10;
- GG. Supplementary Report by Sgt. Kiernan dated 9/16/2010;
- HH. Supplementary Report by Vincent Cagno dated 9/16/2010;
- II. Letter dated 9/27/2010 from Lt. Pearce to Mohammed Proctor;
- JJ. Transcript of plaintiff's allocution in open court;
- KK. Transcript of proceedings before Hon. Justice Doyle re vacating indictment,
- LL. Letter from Proctor to Cagno.

Parties reserve their rights to utilize pleadings, statements and or other documents not listed above to impeach the credibility of any of the witnesses.

April 19, 2013

Respectfully submitted,

Devitt Spellman Barrett, LLP  
Attorneys for the Defendants

Stephen Krawitz, Esq.  
Attorney for the Plaintiff

By \_\_\_\_\_/S/  
Jeltje deJong

\_\_\_\_\_/S/  
Stephen Krawitz